

AMENDED IN ASSEMBLY APRIL 16, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1476

Introduced by Assembly Member Cook

February 27, 2009

An act to amend Section ~~52324~~ 17070.51 of the Education Code, relating to ~~career technical education~~ school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1476, as amended, Cook. ~~Regional occupational centers and programs: attendance computation. School facilities: repayment of penalties assessed against school district for submission of application with material inaccuracies.~~

Existing law, the Leroy F. Greene School Facilities Act of 1998 establishes a program by which the State Allocation Board allocates state per-pupil funding to school districts for new construction and modernization of school facilities. Existing law requires the board to apportion funds only upon compliance with prescribed standards and requirements.

Existing law requires the State Allocation Board to impose certain penalties, to be deposited into the continuously appropriated 1998 State School Facilities Fund, and conditions upon school districts that submit applications with material inaccuracies. A school district against which penalties have been imposed is required to repay to the State Allocation Board, in accordance with a repayment schedule approved by the board, an amount proportionate to the additional amount received as a result of the material inaccuracy, including interest, as specified.

This bill would require the State Allocation Board, upon a finding by the Superintendent that the approved repayment has caused, or will

cause, the school district an extreme financial hardship, to extend the repayment period by an additional period of up to 5 years, based on a school district repayment plan approved by the Superintendent.

~~Existing law authorizes the county superintendent of schools of each county, with the consent of the State Board of Education, to establish and maintain, or with one or more counties to establish and maintain, a regional occupational center, or regional occupational program, in the county to provide education and training in career technical courses. Existing law also authorizes the governing board of any school district maintaining high schools in the county, with the consent of the state board and the county superintendent of schools, to cooperate in the establishment and maintenance of a regional occupational center or program, except as specified. For purposes of funding apportionments, existing law specifies the computation for determining units of average daily attendance in the regional occupational centers or regional occupational programs of a county for a fiscal year.~~

~~This bill would make technical, nonsubstantive changes to that provision regarding the attendance computation.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17070.51 of the Education Code is
2 amended to read:

3 17070.51. (a) If any certified eligibility or funding application
4 related information is found to have been falsely certified by school
5 districts, architects or design professionals, hereinafter referred to
6 as a material inaccuracy, the Office of Public School Construction
7 shall notify the board.

8 (b) The board shall impose the following penalties if an
9 apportionment and fund release has been made based upon
10 information in the project application or related materials that
11 constitutes a material inaccuracy.

12 (1) Pursuant to a repayment schedule approved by the board of
13 no more than five years, the school district shall repay to the board,
14 for deposit into the 1998 State School Facilities Fund, the 2002
15 State School Facilities Fund, or the 2004 State School Facilities
16 Fund, as the case may be, an amount proportionate to the additional
17 funding received as a result of the material inaccuracy, including

interest at the rate paid on moneys in the Pooled Money Investment Account or at the highest rate of interest for the most recent issue of state general obligation bonds as established pursuant to the Chapter 4 (commencing with Section 16720); of Part 3 of Division 4 of Title 2 of the Government Code, whichever is greater.

(2) The board shall prohibit the school district from self-certifying certain project information for any subsequent applications for project funding for a period of up to five years following the date of the finding of a material inaccuracy or until the district's repayment of the entire amount owed under paragraph (1). Although a school district that is subject to this paragraph may not self-certify, the school district shall not be prohibited from applying for state funding under this chapter. The board shall establish an alternative method for state or independent certification of compliance that shall be applicable in these cases. The process shall include, but shall not be limited to, procedures for payment by the school district of any increased costs associated with the alternative certification process.

(3) *Upon a finding by the Superintendent that the repayment approved pursuant to paragraph (1) has caused, or will cause, the school district an extreme financial hardship, the board shall extend the repayment period by an additional period of up to five years, based on a school district repayment plan approved by the Superintendent.*

(c) For school districts found to have provided material inaccuracies when a funding apportionment has occurred, but no fund release has been made, the board shall direct its staff to reduce the apportionment as necessary to reflect the actual nature of the project and to disregard the inaccurate information or material, and paragraph (2) of subdivision (b) shall apply.

(d) For those school districts found to have provided material inaccuracies when no funding apportionment or fund release has been made, the inaccurate information or materials shall not be considered, and paragraph (2) of subdivision (b) shall apply. The project may continue if the application, minus the inaccurate materials, is still complete.

~~SECTION 1. Section 52324 of the Education Code is amended to read:~~

~~52324. (a) Units of average daily attendance in the regional occupational centers or regional occupational programs of a county~~

1 for a fiscal year are the quotient arising from dividing the total
2 number of days of pupil attendance in the centers, or programs,
3 during the fiscal year by 175.

4 (b) Attendance in regional occupational centers, or regional
5 occupational programs, operated pursuant to subdivision (a) of
6 Section 52305 shall be considered pupil attendance for purposes
7 of this section, but attendance in regional occupational centers, or
8 regional occupational programs, pursuant to subdivision (b) of
9 Section 52305 shall not be considered.

10 (c) As used in this section, "school district" includes each of
11 those school districts which are cooperating in the maintenance of
12 the center or program, with the approval of the county
13 superintendent of schools, pursuant to Section 52301. Units of
14 average daily attendance of pupils residing in the school district
15 shall be credited to the school district.